

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**DONNELL V. BOOKER**  
Petitioner,

v.

**JIM MORROW, WARDEN**  
Respondent.

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**No. 3:09-0064  
Judge Trauger**

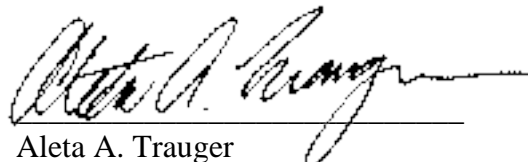
**ORDER**

The Court has before it a *pro se* § 2254 prisoner petition (Docket Entry No. 1) for writ of habeas corpus, and the respondent's Motion to Dismiss (Docket Entry No. 15).

In accordance with the Memorandum contemporaneously entered, the Court finds that the petitioner has failed to state a claim upon which habeas corpus relief can be granted. Therefore, the petition is DENIED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has failed to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.

  
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Aleta A. Trauger  
United States District Judge